



Patent
45198.00047.UTL

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:)
Reddy et al.) Group Art Unit: 1614
Serial No.: 10/698,924) Examiner: TBA
Filed: October 31, 2003) Customer No.: 36183
For: NOVEL CYCLIC PHOSPHATE)
DIESTERS OF 1,3-PROPANE-1-ARYL)
DIOLS AND THEIR USE IN PREPARING)
PRODRUGS)

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed are the following documents:

- Supplemental Information Disclosure Statement
- Form PTO/SB/08A;
- Copies of two (2) cited references;
- Copy of International Search Report; and
- Return Postcard.

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with anything referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

May 24, 2004

Date of Deposit

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Ashley Clark

Name of Person Mailing Paper
Ashley Clark

Signature of Person Mailing Paper

No fee is believed due with this submission; however, the Commissioner is authorized to charge any fee required, or to credit any overpayment, to our Deposit Account No. **50-2613**.

Respectfully submitted,

PAUL, HASTINGS, JANOSKY & WALKER LLP

Dated: 5/24/04

By: Diana L. Bush
Diana L. Bush
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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In compliance with the Applicant's duty under 37 CFR § 1.56, the following information is brought to the attention of the Examiner.

CERTIFICATE OF MAILING
(37 CFR §1.8 a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

May 24, 2004
Date of Delivery

Ashley Clark
Name of Person Delivering Paper
Ashley Clark
Signature of Person Delivering Paper

REFERENCES

- The references are listed on the attached Form PTO/SB/08a and copies are enclosed for the convenience of the Examiner.
- Copies of the references listed on the attached Form PTO/SB/08a have already been submitted in corresponding Patent Application No. _____ and therefore, copies of the same are not enclosed.

The items identified in this Information Disclosure Statement may or may not be "material" pursuant to 37 CFR § 1.56 and the submission thereof by Applicant shall not be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

The filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information, as defined in 37 CFR § 1.56, exists.

DISCLOSURE

- The attached IDS is being filed in accordance with 37 CFR §§ 1.97 and 1.98. This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b)(3), that is before the mailing of a first Office Action on the merits. Thus, no petition or fee is required. However, if the undersigned representative of Applicant is in error in this regard, then the Examiner is requested to consider this IDS as filed under § 1.97(c)
- The attached Information Disclosure Statement is being filed in accordance with 37 CFR §§ 1.97(c) and 1.98. This IDS is being filed after an action on the merits but before a Final Action under § 1.113 or a Notice of Allowance under § 1.311. In the event that this IDS is not received before a Final Action under § 1.113 or a Notice of Allowance under § 1.311, the Applicant respectfully requests the filing of these papers to be considered a petition requesting consideration of this IDS pursuant to 37 CFR § 1.97(d).
- The attached Information Disclosure Statement is being filed in accordance with 37 CFR §§ 1.97(d) and 1.98. This IDS is being filed after receipt of a final action but before receipt of a Notice of Allowance Under § 1.311.
- I certify that pursuant to 37 CFR 1.97(e)(1), each item of information contained in this Information Disclosure Statement was first cited in any communication (International Search Report – copy enclosed) from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.
- I certify that pursuant to 37 CFR 1.97(e)(2), no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the best of my knowledge, no item of information contained in this Information Disclosure Statement was known to any individual more than three months prior to the filing of this Information Disclosure Statement.

PAYMENT METHOD

- Enclosed is a check to cover the fee pursuant to 37 CFR § 1.17(p).
- The Examiner is hereby authorized to charge any fee due with this filing to our Deposit Account No. **50-2613**.
- The Examiner is hereby authorized to charge any additional fee(s) required by this paper to our Deposit Account No. **50-2613**.

Respectfully submitted,

PAUL, HASTINGS, JANOFSKY & WALKER

Dated: 5/24/04

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Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO
**INFORMATION DISCLOSURE
 STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

1

of

1

Complete if Known

Application Number	10/698,924
Filing Date	31 Oct 2003
First Named Inventor	Reddy et al.
Group Art Unit	To Be Assigned
Examiner Name	To Be Assigned

Attorney Docket Number 45198.00047.UTL

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	AA	EDMUNSON, R.S., "Cyclic Organophosphorous Compounds. Part 23. Configurational Assignments in the 4-Phenyl-1,3,2λ-dioxaphosphorinane Series. X-Ray Molecular Structure of cis-2-Benzylamino-4-phenyl-1,3,2-dioxaphosphorinane 2-Oxide" <i>J. Chem. Research (S)</i> , 1989, pages 122-123.	
	AB	International Search Report for Corresponding Application PCT/US03/34709 filed October 31, 2003 (dated May 11, 2004).	
	AC	SARTILLO-PISCIL, F., et al., "Fosfato-esteres Ciclicos Diastereoisomericos: 5-bromo-4-fenil-2-fenoxy-2-oxo-1,3,2-dioxafosforinanos, precursores de radicales libres alquilo β-fosfatoxi y generadores de radicales cationicos en medio no oxidativo." <i>Revista de la Sociedad Quimica de Mexico</i> , vol. 46, 2002, pages 330-334.	

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation is not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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